

### REMARKS

Applicants confirm the provisional election to prosecute claims 1-46. Claim 47 is withdrawn from consideration. Thus, claims 1-46 are pending in the present application.

In the Office Action, claims 2-3, 9-10, 16-17, 27, 36, and 41-42 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 2, 9, 16, 27, 36, and 41 have been amended to include "a remote management and control protocol (RMCP)" solely to render these claims definite. The claims have in no way been narrowed by virtue of these amendments and so these amendments should not be interpreted as narrowing the claimed invention for purposes of any determination under the doctrine of equivalents. Applicant respectfully requests that the Examiner's rejections of claims 2-3, 9-10, 16-17, 27, 36, and 41-42 under 35 U.S.C. 112, second paragraph, be withdrawn.

In the Office Action, claims 1-6, 8-13, 15-20, and 22-45 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Rakavy, et al (U.S. Patent No. 5,978,912). Claims 7, 14, 21, and 46 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rakavy. The Examiner's rejections are respectfully traversed.

Rakavy describes providing an alert packet to a management workstation 200. If a response to the alert packet is received from the management workstation 200 within a configurable time period, the response may be used to authenticate the management workstation 200, *e.g.*, by calculating a hash function based on the message contents and a secret key. See Rakavy, col. 9, ll. 2-45. Rakavy also describes detecting operating system failures based on expiration of a watchdog timer. The watchdog mechanism described by Rakavy does not

immediately reset the machine after detecting an operating system failure, but instead allows certain preliminary data collection operations to take place first. See Rakavy, col. 16, ll. 10-33.

However, Rakavy is completely silent with regard to requesting any particular system action. For example, neither the alert message or the response from the management workstation 200 request any system action. Accordingly, Applicant submits that Rakavy fails to teach or suggest receiving a request for a system action, as set forth in independent claims 1, 8, 15, 22, 31, and 40. Furthermore, although the response from the management workstation 200 may be used to authenticate the management workstation 200, this response does not include an authorization request for any system action, at least in part because neither the alert message nor the response from the management workstation 200 request any system action. Accordingly, Applicant submits that Rakavy fails to teach or suggest generating an authorization request for the system action, as set forth in independent claims 1, 8, 15, 22, 31, and 40.

Moreover, since Rakavy is completely silent with regard to requesting any particular system action, Applicant also submits that Rakavy fails to teach or suggest evaluating a result of the authorization request for the system action if received before an expiration of the timer and/or granting the request for the system action if the expiration of the timer occurs before the result of the authorization request for the system action is received, as set forth in independent claims 1, 8, 15, 22, 31, and 40.

For at least the aforementioned reasons, Applicant respectfully submits that Rakavy fails to teach or suggest all the limitations of the invention set forth in independent claims 1, 8, 15, 22, 31, and 40. Thus, Applicant respectfully submits that the present invention is not anticipated by Rakavy and requests that the Examiner's rejections of claims 1-6, 8-13, 15-20, and 22-45 were under 35 U.S.C. § 102(b) be withdrawn.

Moreover, it is respectfully submitted that the pending claims are not obvious in view of Rakavy. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). As discussed above, Rakavy fails to teach or suggest receiving a request for a system action, as set forth in independent claims 1, 8, 15, 22, 31, and 40. Rakavy also fails to teach or suggest generating an authorization request for the system action, evaluating a result of the authorization request for the system action if received before an expiration of the timer, and/or granting the request for the system action if the expiration of the timer occurs before the result of the authorization request for the system action is received, as set forth in independent claims 1, 8, 15, 22, 31, and 40.

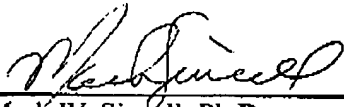
Rakavy also fails to provide any suggestion or motivation for the entirety of the claimed invention. In particular, Rakavy is completely silent with regard to requesting particular system actions and therefore provides no suggestion or motivation for receiving a request for a system action, as set forth in independent claims 1, 8, 15, 22, 31, and 40. Rakavy also fails provide any suggestion or motivation for generating an authorization request for the system action, evaluating a result of the authorization request for the system action if received before an expiration of the timer, and/or granting the request for the system action if the expiration of the timer occurs before the result of the authorization request for the system action is received, as set forth in independent claims 1, 8, 15, 22, 31, and 40.

For at least the aforementioned reasons, Applicant respectfully submits that the Examiner has failed to make a *prima facie* case that the present invention is obvious over the prior art of record. Applicant respectfully requests that the Examiner's rejections of claims 7, 14, 21, and 46 under 35 U.S.C. 103(a) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

Date: 12/6/05

  
Mark W. Sincell, Ph.D.  
Reg. No. 52,226  
Williams Morgan & Amerson, P.C.  
10333 Richmond Avenue, Suite 1100  
Houston, TX 77042  
(713) 934-7000  
(713) 934-7011 (Fax)

AGENT FOR APPLICANTS